

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSE NUNEZ,

Petitioner,

v.

JOHN THOMAS, et al.

Respondents.

CIVIL ACTION

NO. 08-1164

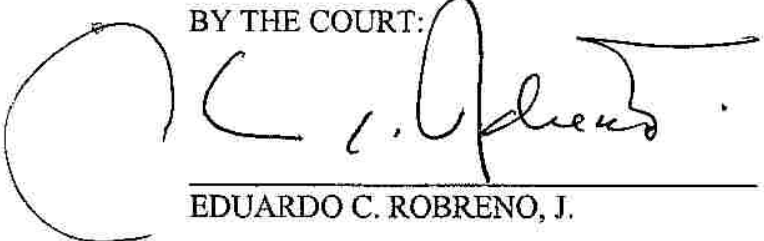
ORDER

EDUARDO C. ROBRENO, J.

AND NOW, this 14<sup>th</sup> day of October, 2008, upon careful and independent consideration of the petition for Writ of *Habeas Corpus*, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for Writ of *Habeas Corpus* is DENIED with prejudice.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of the Court shall mark this case closed for statistical purposes.

BY THE COURT:



EDUARDO C. ROBRENO, J.